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10 ***Counsel for Plaintiff Trust Funds***

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 TRUSTEES OF THE OPERATING  
14 ENGINEERS PENSION TRUST;  
15 TRUSTEES OF THE OPERATING  
16 ENGINEERS HEALTH AND WELFARE  
17 FUND; TRUSTEES OF THE OPERATING  
18 ENGINEERS JOURNEYMAN AND  
19 APPRENTICE TRAINING TRUST; and  
20 TRUSTEES OF THE OPERATING  
21 ENGINEERS VACATION-HOLIDAY  
22 SAVINGS TRUST,

23 Plaintiffs,

24 vs.

25 DIVERSIFIED CONCRETE CUTTING,  
26 INC., a Domestic Corporation; SPECIALTY  
27 CONTRACTING CO. d/b/a DIVERSIFIED  
28 DEMOLITION CO.; and KENNETH M.  
MERCURIO, an individual,

Defendant.

CASE NO: 2:17-cv-02686-APG-GWF

~~(Proposed)~~

ORDER FOR JUDGMENT DEBTOR  
EXAMINATION OF KENNETH M.  
MERCURIO

21 Having considered Plaintiffs' Notice to Court Regarding Judgment Debtor Examination  
22 Scheduled and the Declaration of Nathan R. Ring and good cause appearing,  
23

24 **IT IS HEREBY ORDERED** that Defendant/Judgment Debtor Kenneth Mercurio, appear at the  
25 law offices of Reese Kintz, LLC, 201 W. Liberty St., Suites 203-204, Reno, NV 89501 on the 11<sup>th</sup> day  
26 of December, 2018, at 10:00 a.m., to be sworn in for a Judgment Debtor Examination and answer  
27 concerning property subject to the ownership and control of Mercurio.  
28

1           **IT IS FURTHER ORDERED** that Mercurio brings with him the following documents under  
2 his control or under the control of his agents, attorneys or accountants:

3           a.       All financial statements prepared by or on behalf of Mercurio from January 1, 2017, to  
4 the present.

5           b.       All original monthly bank statements of Mercurio from January 1, 2017, to the present.

6           c.       All original savings account pass books, certificates of deposit, and trust certificates in  
7 the name of Mercurio January 1, 2017, to the present.

8           d.       All canceled checks drawn on any account established in the name of Mercurio from  
9 January 1, 2017, to the present.

10          e.       All original negotiable instruments and negotiable securities in the name of Mercurio  
11 from January 1, 2017, to the present.

12          f.       All evidence or other memoranda of any ownership interest of Mercurio in any  
13 corporation, partnership, unincorporated association or any business organized or conducted for the  
14 production of income from January 1, 2017, to the present.

15          g.       All evidence or other memoranda of any income received by Mercurio January 1, 2017,  
16 to the present, to include but not limited to tax returns, insurance proceeds, or repayment of loans.

17          h.       All evidence or other memoranda of any employer, or place of work or employment of  
18 Mercurio from January 1, 2017, to the present, including but not limited to contracts, invoices, billings,  
19 vouchers or payments.

20          i.       All evidence of any ownership interest of Mercurio to include but not limited to, bills of  
21 sale, pink slips or any other record or title, in any motor vehicle, airplane, boat, equipment or machinery,  
22 from January 1, 2017, to the present.

23          j.       All evidence of any debts or repayments owed by Mercurio, to include but not limited to,  
24 those arising from loans or judgments from January 1, 2017, to the present.

25          k.       Any and all evidence or other memoranda indicating that Mercurio was either a plaintiff  
26 or a defendant in any lawsuit from January 1, 2017, to the present.

1 l. Any and all evidence or memoranda indicating that Mercurio received any judgment,  
2 award, bequest or devise in any lawsuit or other court action from January 1, 2017, to the present.

3 m. Any and all evidence or memoranda indicating any ownership interest of Mercurio in  
4 any patent, invention, trade name, or copyright.

5 n. Any and all evidence or memoranda indicating an ownership interest of Mercurio in any  
6 real property or developments on real property.

7 o. Any and all evidence of the sale(s) of any real or personal property of Mercurio from  
8 January 1, 2017, to the present.

9 p. Any and all loan applications filled out by Mercurio since January 1, 2017.

10 q. Copies of all documents evidencing the sale or transfer of any assets of Mercurio from  
11 January 1, 2017, to the present.

12 r. Any and all documents evidencing any federal or State tax liability of Mercurio.

13 s. Original cash disbursement journals and/or check registers maintained in connection with  
14 any business of Mercurio from January 1, 2017, to the present.

15 t. Federal income tax returns of Mercurio for the year 2017 to the present.  
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18 **NOTICE TO JUDGMENT DEBTOR**

19 **IF YOU FAIL TO APPEAR AT THE TIME AND PLACE SPECIFIED IN THIS ORDER,**  
20 **YOU MAY BE SUBJECT TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT**  
21 **AND THE COURT MAY MAKE AN ORDER REQUIRING YOU TO PAY REASONABLE**  
22 **ATTORNEY'S FEES INCURRED BY THE JUDGMENT CREDITORS IN THIS**  
23 **PROCEEDING.**  
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2 Dated this 19th of November, 2018.  
3

4  
5 By:   
6 UNITED STATES MAGISTRATE JUDGE  
7

8 Submitted by:

9 **LAQUER, URBAN, CLIFFORD & HODGE LLP**

10 By: /s/ Nathan R. Ring  
11 MICHAEL A. URBAN, Nevada State Bar No. 3875  
12 NATHAN R. RING, Nevada State Bar No. 12078  
13 ***Counsel for Plaintiff Trust Funds***  
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